



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural and Historic Resources

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Director
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**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION –
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
6801 WOOLRIDGE ROAD- MOSELEY LP
FOR
THE LOWER MAGNOLIA GREEN PROJECT
Permit No. VAR105112**

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code §§ 62.1-44.15, 62.1-44.15:25, and 62.1-44.15:48, between the State Water Control Board and 6801 Woolridge Road – Moseley LP, regarding the Lower Magnolia Green construction site for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Soil and Water Conservation Board to 6801 Woolridge Road – Moseley LP on July 20, 2012.

SECTION B: Definitions

“2014 Permit” means the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law, the VSMP Regulations, and the General Permit Regulation on July 1, 2014, and which expires on June 30, 2019.

“2019 Permit” means the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law, the VSMP Regulations, and the General Permit Regulation on July 1, 2019, and which expires on June 30, 2024.

“Board” means the State Water Control Board, a permanent citizens’ board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.

“DCR” means the Department of Conservation and Recreation, an agency of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-101 and -104.1.

“Department” or “DEQ” means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

“General Permit” means the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70; Registration No. VAR105112.

“Moseley” means 6801 Woolridge Road – Moseley LP, a Delaware limited partnership, registered as a foreign limited partnership with the Virginia State Corporation Commission to do business in the Commonwealth of Virginia; its predecessor corporate entity, 6801 Woolridge Road – Moseley TRS, LLC; and any predecessor entities registered for VSMP permit coverage for the Lower Magnolia Green project and associated projects, including, but not limited to, the Westham Golf Club project. Moseley is a “person” within the meaning of Va. Code § 62.1-44.3.

“Stormwater” means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage. Va. Code § 62.1-44.15:24.

“Virginia Stormwater Management Act” means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

“Va. Code” means the Code of Virginia (1950), as amended.

“VSMP” means the Virginia Stormwater Management Program, which is a program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board on and after June 30, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations. Va. Code § 62.1-44.15:24.

“VSMP authority” means an authority approved by the Board after September 13, 2011, to operate a VSMP or, until such approval is given, the Department. An authority may include a locality; state entity, including the Department; federal entity; or for linear projects subject annual standards and specifications in accordance with subsection B of § 62.1-44.15-31, electric, natural gas, and telephone utility companies, interstate and

intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102. Va. Code § 62.1-44.15:24.

SECTION C: Basis for Amendment

1. 6801 Woolridge Road – Moseley LP owns and operates the Lower Magnolia Green construction site located in Chesterfield County, Virginia, from which stormwater associated with construction activity is discharged.
2. In 2012, the Virginia General Assembly passed Senate Bill 407 and House Bill 1065, called the Integration Bill, which transferred stormwater regulation from DCR to the DEQ and required counties to adopt and administer a local Virginia Stormwater Management Program, under DEQ authority. In 2014, the General Assembly adopted amendments (Chapter 303 and Chapter 598 of the 2014 Acts of Assembly) to the Virginia Stormwater Management Act requiring localities that operate a regulated municipal separate storm sewer system (MS4) to administer a VSMP and allows other localities to "opt-in" if so desired.
3. Chesterfield County operates an MS4 and on July 1, 2014, DEQ approved Chesterfield County's VSMP. Chesterfield County is the VSMP authority for the Lower Magnolia Green construction site.
4. While the construction stormwater program was administered by DCR, Moseley applied for coverage under the VSMP General Permit for Discharges of Stormwater from Construction Activities and was assigned registration number VAR10-12-100799.
5. During construction of Phase I residential areas of the Lower Magnolia Green Project, there was a lack of 10-year pre/post stormwater quantity management.
6. In May 2011, Moseley submitted a watershed model for the Lower Magnolia Green Project which identified a 218 cubic feet per second ("cfs") deficit based on the difference between the developed conditions within the limits of Magnolia Green Phase I and the pre-development conditions. DCR approved "Catch-Up Provision" methodology to over-manage the proposed stormwater runoff in the future phases and sections of the project to account for the lack of 10-year pre/post stormwater management during the initial Phase. In the 2020 Annual Report, Moseley reported that the total deficit stood at 91.03 cfs.
7. DCR and Moseley entered into a Consent Order on July 20, 2012. Among other violations, the Consent Order addressed Moseley's failure to include a description of, and all necessary calculations supporting, all post-construction stormwater management measures; failure to comply with erosion and sediment control minimum standards; and failure to inspect, repair, and maintain erosion and sediment controls as needed to ensure continued performance of their intended functions.

8. Moseley applied for coverage under the 2014 Permit, and DEQ granted it coverage on July 25, 2014 under registration number VAR105112. DEQ reissued Moseley permit coverage under the 2019 Permit on August 12, 2019. Moseley's permit coverage was issued under II.C Technical Criteria for Regulated Land-Disturbing Activities: Grandfathered Projects and Projects Subject to the Provisions of 9VAC25-870-47 (9VAC25-870-93 thru 9VAC25-870-99) and Chesterfield County is responsible for reviewing plans for compliance with the criteria and ESC minimum standards.
9. Since the stormwater program is now administered by DEQ, and Chesterfield County operates a VSMP, DEQ initiated this Amendment to update the regulatory citations and corrective actions in Appendix A.
10. Based on the information available to DEQ to date, Moseley is in compliance with the Order and is current with all monitoring and reporting requirements.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, 62.1-44.15:25, and 62.1-44.15:48, the Board orders Moseley and Moseley agrees to:

1. Perform the actions described in Appendix A of this Amendment, which supersedes and cancels Appendix A of the Order. Both the Board and Moseley understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms.

And it is so ORDERED this _____ day of _____, 20____.

Tiffany R. Severs, Director of Enforcement
Department of Environmental Quality

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6801 Woolridge Road – Moseley LP voluntarily agrees to the issuance of this Order.

Date: 8/27/2021 By: Thomas D. Page, Partner

6801 Woolridge Road – Moseley LP

Commonwealth of Virginia

City/County of Chesterfield

The foregoing document was signed and acknowledged before me this 27 day of
August, 2021, by Thomas D. Page, Partner,
on behalf of 6801 Woolridge Road – Moseley LP, a partnership.

Pamela Lea Perkins

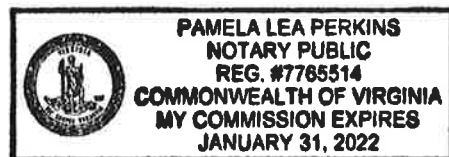
Notary Public

7765514

Registration No.

My commission expires: 1/31/2022

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

Moseley shall:

1. Moseley shall continue to implement the “catch-up” provisions based off the May 2011 Watershed Model and Moseley will apply the “catch-up” provisions to each project section and phase, to ensure the project as a whole will meet the VSMP stream channel erosion requirements and the VSMP flooding requirements set forth in 9VAC25-870-97 and 9VAC25-870-98.
2. Moseley shall have the right to modify section and phase boundaries in response to market conditions without prior DEQ approval and such modifications shall not be prohibited under this Order.
3. Moseley shall meet the VSMP stream channel erosion requirements and the VSMP flooding requirements currently set forth at 9VAC25-870-97 and 9VAC25-870-98 for each future project section and phase, as adjusted to include the “catch-up” provision that will ensure that the project as a whole meets the applicable requirements.
4. In advance of starting construction on each future project section and phase, Moseley shall submit engineering plans to Chesterfield County, appropriately sealed and signed by a professional registered in the Commonwealth of Virginia per 9VAC870-55. Moseley shall provide DEQ with an electronic copy of the plans submitted to Chesterfield County and submit a “catch-up” provision spreadsheet for the project water quantity criteria based off the Magnolia Green Watershed Model provided to DCR in May 2011 or the most recent previous modification to the model, to reflect proposed changes in overall project plans or conditions. If Chesterfield County requires plan changes that impact the “catch-up” provision spreadsheet, then Moseley shall provide a revised spreadsheet for DEQ review.
5. DEQ shall respond in writing to Moseley within 30 days following receipt of the engineering plans and “catch-up” spreadsheet required by Section 4 of this Appendix, stating that the “catch-up” provision appears consistent with this Order or providing Moseley with comments, a request for additional information, or both. Moseley shall respond in writing to DEQ comments or a request for information within 30 days of such comments or request. Upon final approval of the plans by Chesterfield County, Moseley shall submit a statement to DEQ confirming that the “catch-up” provision spreadsheet reviewed by DEQ has not been impacted by any plan changes and submit an electronic copy of the final approved plan to DEQ. Moseley shall not start construction on a project section or phase until DEQ has confirmed in writing that the “catch-up” spreadsheet required by Section 4 of the Appendix appears consistent with

this Order.

6. Notwithstanding the terms of the Order and this Appendix A, Moseley shall be subject to any changes in legal requirements that might apply to the project in the future, and nothing herein shall extend any given permit cycle.
7. Until such time as the project's General Permit coverage is terminated, Moseley shall submit to DEQ a written status report by no later than March 1 of each year, documenting Moseley's progress in implementing the plan and schedule during the previous calendar year.
8. Unless otherwise specified in this Order, Moseley shall submit all requirements of Appendix A of this Order to:

Kristen Sadtler
Water Enforcement Manager
VA DEQ – Central Office
1111 East Main Street
Suite 1400
Richmond, VA 23219
804-698-4149
Kristen.sadtler@deq.virginia.gov